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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/937,187	09/21/2001	Karen E. Sandman	NEB-164-PUS	4950
28986	7590	02/25/2004	EXAMINER	
NEW ENGLAND BIOLABS, INC.			CELSA, BENNETT M	
32 TOZER ROAD			ART UNIT	
BEVERLY, MA 01915			PAPER NUMBER	

1639

DATE MAILED: 02/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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8-17

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
09/937,187			

EXAMINER	
CELSA, BENNETT	
ART UNIT	PAPER NUMBER
1639	1/9/04

DATE MAILED:

Please find below a communication from the EXAMINER in charge of this application

Commissioner of Patents

Restriction(Lack of Unity) / Election : BONAFIDE ATTEMPT LETTER

Applicant's response (dated 12/19/03) to the lack of unity canceling originally presented claims 1-20 and adding new claims 21-39 is not responsive since applicant failed to elect from one of the ten groups resulting from the originally presented claims.

Because applicant did not distinctly and specifically point out the supposed errors in the lack of unity requirement "with regard to the original set of claims", the Examiner contends that the lack of unity requirement is still proper. The Examiner further notes that there is no rule that would require the Examiner to put forth a "second" or "third" (or more) lack of unity requirement(s) in response to Applicants multiple amendments i.e., the Examiner only needs to put forth "one" lack of unity requirement.

Since the above-mentioned reply appears to be *bona fide* attempt , applicant is given a TIME PERIOD of **ONE (1) MONTH** from the mailing date of this communication in order to avoid abandonment of the application. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a) .

General information regarding further correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Celsa whose telephone number is (571) 272-0807.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew J. Wang (art unit 1639), can be reached at (571)272-0811.

Any inquiry of a general nature, or relating to the status of this application, should be directed to the Group receptionist whose telephone number is (703) 308-0196.

Bennett Celsa (art unit 1639)

January 10, 2004

BENNETT CELSA
PRIMARY EXAMINER

